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12 Attorneys for Plaintiff  
GENENTECH, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

18 GENENTECH, INC., ) Case No: 5:10-CV-2037-LHK (PSG)  
19 Plaintiff, )  
20 vs. )  
21 THE TRUSTEES OF THE UNIVERSITY OF ) **THIRD JOINT STIPULATION AND  
PENNSYLVANIA, a Pennsylvania non-profit ORDER TO EXTEND THE  
corporation,** ) DEADLINES FOR (A) COMPLIANCE  
22 ) WITH A PORTION OF THE COURT'S  
Defendant. ) NOVEMBER 22 ORDER AND (B) TO  
 ) MOVE TO RECONSIDER THE  
 ) COURT'S ORDER  
23 )  
24 ) **Hearing Date:** TBD  
Time: TBD  
Judge: Hon. Magistrate Paul S. Grewal  
25 )  
26 )

1 WHEREAS on December 14, 2010, plaintiff Genentech, Inc. ("Genentech") and defendant  
2 the Trustees of the University of Pennsylvania ("the University") filed a Second Joint Stipulation  
3 and Proposed Order to Extend the Deadline for Compliance with A Portion of the Court's November  
4 22 Order (Dkt. No. 66) from December 14, 2010 to December 28, 2010; and

5 WHEREAS the parties wanted the deadline extension to discuss whether there is a way to  
6 limit Genentech's production of regulatory materials, other than the BLA Submissions (as that term  
7 is used in the Court's November 22 Order), to avoid the production of irrelevant materials; and

8 WHEREAS, the parties are continuing to address the proper scope for production of the  
9 regulatory materials and believe that an additional extension would benefit their discussion; and

10 WHEREAS, given the holidays, the parties expect that it may require additional time to work  
11 out a compromise; and

12 WHEREAS, if the parties are unable to reach agreement, Genentech reserves the right to  
13 move for reconsideration of the Court's Order;

14 THE PARTIES THEREFORE AGREE as follows:

- 15 1. The deadline for Genentech to comply with the following sentence in the Court's  
16 November 22, 2010 Order, now set for December 28, 2010, is extended an additional  
17 two weeks to January 11, 2011:

18 "In addition, to the extent there is responsive electronic data other than  
19 the BLA Submissions in Defendant's possession, custody or control  
20 that is responsive to Document Request No. 36, Plaintiff shall either  
produce the unredacted data to Defendant by November 30, 2010, or  
else file a declaration by that date showing why it cannot do so and  
setting forth the earliest possible date that it will be able to do so."

- 21 2. The deadline for Genentech to file a Motion for Reconsideration of the Court's Order,  
22 now set for December 28, 2010, is extended an additional two weeks to January 11,  
23 2011.  
24 3. No other provision of the Court's November 22, 2010 Order is changed.

1 SO STIPULATED:

2  
3 Respectfully submitted,

4 Dated: December 28, 2010

5 SIDLEY AUSTIN LLP

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7 By: \_\_\_\_\_ /s/  
8 SANDRA S. FUJIYAMA

9 Attorneys for Plaintiff GENENTECH, INC.

10 Dated: December 28, 2010

11 IRELL & MANELLA LLP

12 By: \_\_\_\_\_ /s/  
13 GARY N. FRISCHILING<sup>1</sup>

14 Attorneys for Defendants THE TRUSTEES OF  
15 THE UNIVERSITY OF PENNSYLVANIA.

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<sup>1</sup> Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from Gary N. Frischling.

1 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

2 1. The deadline for Genentech to comply with the following sentence in the Court's  
3 November 22, 2010 Order, now set for December 28, 2010, is extended an additional  
4 two weeks to January 11, 2011:

5 "In addition, to the extent there is responsive electronic data other than  
6 the BLA Submissions in Defendant's possession, custody or control  
7 that is responsive to Document Request No. 36, Plaintiff shall either  
8 produce the unredacted data to Defendant by November 30, 2010, or  
9 else file a declaration by that date showing why it cannot do so and  
10 setting forth the earliest possible date that it will be able to do so."

11 2. The deadline for Genentech to file a Motion for Reconsideration of the Court's Order,  
12 now set for December 28, 2010, is extended an additional two weeks to January 11,  
13 2011.

14 3. No other provision of the Court's November 22, 2010 Order is changed.

15 SO ORDERED.  
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17 Dated: December 29, 2010  
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19 PAUL. S GREWAL  
20 United States Magistrate Judge  
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